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FILED

MAY 17, 2005

 NEW JERSEY STATE BOARD
 OF MEDICAL EXAMINERS

By: Joyce Brown
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STATE OF NEW JERSEY
 DEPARTMENT OF LAW & PUBLIC SAFETY
 DIVISION OF CONSUMER AFFAIRS
 STATE BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF THE SUSPENSION OR	:	
REVOCATION OF THE LICENSE OF	:	
	:	Administrative Action
JAMES R. COLE, M.D.	:	
License No. MA 25MA03947000	:	CONSENT ORDER OF
	:	LIMITED REINSTATEMENT
TO PRACTICE MEDICINE AND SURGERY:	:	
IN THE STATE OF NEW JERSEY	:	

This matter was opened to the State Board of Medical Examiners ("Board") upon Respondent's petition for limited reinstatement of his medical license. Respondent voluntarily surrendered his license by Consent Order filed August 12, 2004 based upon his relapse into the use of alcohol and opiate analgesics. He received in-patient treatment for such addiction from May 31 through June 29, 2004.

Respondent petitioned the Board by way of a March 23, 2005 appearance before a Committee of the Board, by which he sought limited reinstatement of his license. He was accompanied by Edward Reading, Ph.D. of the Physicians' Health Program of the Medical Society of New Jersey ("PHP"). According to the PHP Position Statement, Respondent has been compliant with all aspects of his aftercare plan, including twice weekly urine monitoring; attendance at daily meetings of Alcoholics

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Anonymous and current attendance at four meetings per week; attendance at group aftercare on a weekly basis under the supervision of Arnold Washton, Ph.D.; attendance at monthly follow up visits with his psychiatrist, Zeb Labins, M.D.; attendance at family counseling on a weekly basis; and attendance at follow up with a PHP representative on a monthly basis. In addition, Dr. Cole submitted 132.25 Continuing Medical Education credits for the period commencing on March, 2004 through February, 2005.

It appearing that Respondent has admitted to the facts outlined above and he has satisfied the terms and conditions of his aftercare plan as set forth in the Consent Order of August 12, 2004, has been drug and alcohol free for eight months, and considering the Position Statement of the Physicians' Health Program and Respondent's testimony before the Committee of the Board, and for other good cause shown;

IT IS, THEREFORE ON THIS 17th DAY OF May, 2005 HEREBY
AGREED AND ORDERED:

1. Respondent shall be granted a limit license to practice medicine in the State of New Jersey under the following conditions:

- (a) Respondent has represented that he works in a multiple provider orthopedic practice in Englewood, NJ. Respondent's practice of medicine and surgery in the State of New Jersey is limited solely to the office setting. Respondent, who is an orthopedic surgeon, agrees not to practice in licensed healthcare facilities or hospitals;
- (b) Respondent shall maintain absolute abstinence from all psychoactive substances and alcohol unless prescribed by a treating physician for

a documented medical condition and in the usual course of the treating physician's medical practice with notification to the Medical Director of the Physicians' Health Program;

- (c) Respondent shall continue to submit to random urine monitoring under the auspices of the Physicians' Health Program at a frequency of twice weekly for the first six months of his return to practice, with random weekly screens for the next year. Subsequent reductions in screens will be at the discretion of the Executive Medical Director of the PHP with notification to the Board;
- (d) Respondent shall demonstrate regular documented attendance at the support group of Alcoholics Anonymous at a minimum of three meetings each week;
- (e) Respondent shall continue his involvement in group aftercare with Arnold Washton, Ph.D. until such time as Dr. Washton and the Executive Medical Director of the Physicians' Health Program agree that it is no longer required;
- (f) Respondent shall continue his treatment with Zeb Labins, M.D. at a frequency to be determined by Dr. Zeb Labins until such time as Dr. Labins, and the Executive Medical Director of the Physicians' Health Program agree it is no longer required;
- (g) Respondent shall comply with monthly face-to-face visits with a representative of the Physicians' Health Program for the first year of his return to practice with reductions at the discretion of the Executive Medical Director of the PHP with notice to the Board;
- (h) Respondent shall be responsible to ensure that the Physicians' Health

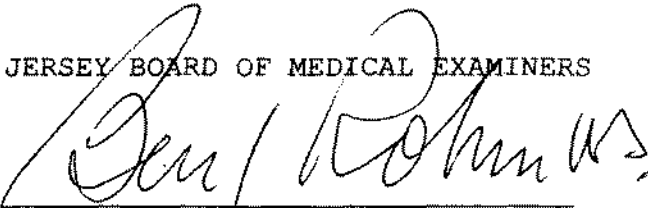
Program supplies quarterly reports to the Board regarding his progress. An immediate (within 24 hours of awareness) report both orally and in writing, shall be made by the PHP to the Board of any information that Respondent engaged in any violation of any laws regarding controlled dangerous substances or alcohol or any positive urine screen or failure to appear for urine monitoring. Further, Respondent expressly waives any claim to privilege or confidentiality that he may have concerning the above outlined reports and disclosures by the PHP to the Board;

- (i) Respondent hereby consents to the PHP reporting to the Board any indication of a slip, relapse, non-compliance with the recovery program or any use of psychoactive substances or alcohol unless prescribed by a treating physician. There is to be immediate notification by name, to the Board's Executive Director and Medical Director. In the event, upon the Board's receipt of any information which the Board in its sole discretion deems reliable, that Respondent has materially failed to comply with any of the conditions set forth above, or any report of a confirmed positive urine, or a prima facie showing of any abuse, possession or distribution of controlled substances, Respondent consents to the entry of an Order resulting in the immediate automatic temporary suspension of license. Said suspension is to be memorialized in a public State Board of Medical Examiners' Order;
- (j) Respondent shall have the right to apply for removal of the automatic suspension on two (2) days notice but in such event shall be limited to a showing that the urine tested was not his or was a false positive;


- (k) Respondent shall be responsible for the payment of all costs associated with this monitoring program.


NEW JERSEY BOARD OF MEDICAL EXAMINERS

By:


Bernard Robins, M.D., F.A.C.P.
Board President

I have read and understand the within Order and agree to be bound by its terms. Consent is hereby given to the Board to enter this Order. I understand that this Order has serious legal consequences and have decided to enter into this agreement with the Board without the advice of legal counsel, as is my right.


James R. Cole, M.D.


Louis E. Baxter, Sr., M.D., FASAM
Executive Medical Director
Physicians' Health Program